

## EXHIBIT M

Excerpts from Deposition of Babu Rao Paidipalli

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

DANIEL LOVELACE AND HELEN )  
LOVELACE, Individually, and )  
as Parents of BRETT LOVELACE, )  
Deceased )

Plaintiff, )

VS. )

) NO. 2:13-cv-02289 dkv

PEDIATRIC ANESTHESIOLOGISTS, )  
PA; BABU RAO PAIDIPALLI and )  
MARK P. CLEMONS , )

Defendants. )

DEPOSITION OF BABU RAO PAIDIPALLI, M.D.

January 9, 2014

MIDSOUTH REPORTING SERVICE

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1 A I'm in the operating room area.

2 Q You were in the operating room?

3 A Uh-huh.

4 Q Were you actually involved in handling an  
5 operation?

6 A No.

7 Q You were just there?

8 A No. I was just in the hallway.

9 Q Okay. Okay. Now following the surgery  
10 done by Dr. Clemons, was Brett given supplemental  
11 oxygen afterwards during his transit to the PACU?

12 A Yes, sir.

13 Q Okay. Did you order supplemental oxygen  
14 for him in the PACU?

15 A Yes, sir.

16 Q You ordered supplemental oxygen?

17 A Yeah. We have a standard order saying  
18 that, you know, that the patient needs O2  
19 supplementation to maintain the saturation of 92 or  
20 95 and above.

21 Q All right. My question was when he left  
22 surgery was he on supplemental oxygen.

23 A Yes, sir.

24 Q Okay. And when he arrived in the PACU,  
25 even though you were not there, was he on

1 supplemental oxygen, do you think?

2 A I think.

3 Q All right.

4 A That is the routine to have a supplemental  
5 oxygen in the recovery room.

6 Q Was he outfitted when he left the surgical  
7 suite with a pulse oximeter on one of his fingers?

8 A Yes, sir.

9 Q And had there been any previous problem  
10 with that pulse oximeter during his surgery?

11 A No, sir.

12 Q Do you know whether the pulse oximeter that  
13 he wore when he went to the PACU was, in fact, the  
14 same one that he wore when he went to the ICU after  
15 the Harvey team came?

16 A Probably the same one.

17 Q Okay. Did you ever test this pulse  
18 oximeter to see whether it was defective or failed?

19 A There are no tests in the sense because  
20 we -- whether it is working or not. If it is not  
21 working, sometimes we change it to a different pulse  
22 oximeter.

23 Q Now at the time when the CRNA, Grace  
24 Freeman, would have attended Brett Lovelace, would --  
25 do you know whether she saw the parents at that time?

1 Aldrete score perfect.

2 Q Now at the time that Brett Lovelace was  
3 extubated, approximately how much time passed between  
4 that moment and the time that he would have been  
5 transported?

6 Is that normally five minutes? Or how long  
7 is that?

8 A Can you rephrase the question, please.

9 Q Yes.

10 Between the time of extubation of the  
11 patient how much time elapsed before he was  
12 transported to the PACU?

13 A We extubated the patient 10:26. And the  
14 patient reached the recovery room 10:35, so nine  
15 minutes.

16 Q Is it your testimony that the patient was  
17 virtually awake at the time that he was extubated?

18 A Yes, sir.

19 Q Okay. As a rule and a practice how often  
20 would you allow patients to go and be on their face  
21 in recovery?

22 MR. COOK: Same, form.

23 Go ahead.

24 A That is a speculation.

25

1 eyes, we asked him to open the eyes and take a deep  
2 breath. When they follow those commands, that we  
3 consider awake. And we use the clinical judgment --  
4 I used the clinical judgment to extubate that patient  
5 at that time.

6 Q Are you telling us that Brett Lovelace had  
7 fully emerged from and recovered appropriately from  
8 the anesthesia?

9 A Not fully recovered, but he is awake enough  
10 to be extubated. That is why we take them to the  
11 recovery room to be fully awake.

12 Q Now on March 12, 2012 how well did you know  
13 Nurse Kelly Kish?

14 What was your experience with her as a PACU  
15 nurse?

16 A I know she was working in the recovery  
17 room. I'm not sure how long she has been working.

18 Q What was your experience with her?

19 Was she a good nurse?

20 A I don't know much about her.

21 Q Did you ever complain about her before this  
22 event?

23 A No, sir.

24 Q Okay. Did you talk to Grace Freeman and  
25 ask if she personally visited with Nurse Kelly Kish

1 keep him on either a continuous positive airway  
2 pressure or to continue his intubation and mechanical  
3 ventilation until he was fully awake?

4 A Can you repeat that question, please.

5 Q Did you issue instructions or orders for  
6 Brett to be on continuous positive airway pressure  
7 after he was transported?

8 A We have a standard; not a continuous airway  
9 pressure, but continuously getting oxygen to the  
10 patient by face mask.

11 Q Okay. And what you are saying is he was  
12 continuously on oxygen until he was fully awake?

13 A Supposed to be, yes.

14 Q Okay. Were you aware that he was not on  
15 oxygen?

16 A I did not know that.

17 Q Okay. I think you said earlier that you  
18 did not administer any narcotic analgesic to him?

19 A No, I didn't say that.

20 MR. COOK: Objection.

21 BY MR. LEDBETTER:

22 Q You gave him an opiate for the anesthetic;  
23 correct?

24 A Yeah.

25 Q But did you give him an analgesic besides